

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

ROWVAUGHN WELLS,

Plaintiff,

v.

Case No. 2:23-cv-02224-MSN-atc
JURY DEMAND

THE CITY OF MEMPHIS, *et al.*,

Defendants.

ORDER RELATING TO MEDIATOR SELECTION

Before the Court is the parties' Joint Status Report Regarding Mediator Selection (ECF No. 309, "Joint Status Report"), filed February 18, 2025. At the January 3, 2025 status conference, the Court directed the parties to confer and select a mediator by the applicable deadline, with the understanding that if parties were unable to agree, the Court would select a mediator. Pursuant to the Third Amended Scheduling Order (ECF No. 276), the parties were directed to file a stipulation selecting a mediator by February 18, 2025. The Third Amended Scheduling Order provides in footnote one: "If the parties fail to agree upon a Mediator by this deadline, the Court shall select a Mediator for the case from the Court's Mediator list and shall issue an Order notifying the parties of the Mediator's identity." (ECF No. 276 at PageID 3125.)

The parties have subsequently filed a Joint Status Report indicating that they have been unable to reach an agreement regarding mediator selection and seek the Court's guidance. (ECF No. 309.) The parties propose that each submit a list of no more than three potential mediators for the Court's consideration. (*Id.*) The Court, however, declines to adopt that procedure and will

instead follow the procedure set forth in the Third Amended Scheduling Order and the Court's Alternative Dispute Resolution Plan Rule 5.4(c)(2). The parties are not required or requested to submit lists of proposed mediators.

The Court **ORDERS** that the parties shall have until February 26, 2025, to either (1) stipulate to a mediator for this case or (2) file a joint report of impasse regarding mediator selection through a notice filed with the Court.

If the parties report an impasse, the Court will select a mediator for the case from the Court's Mediator list and will issue an Order notifying the parties of the mediator's identity as provided under the Court's Third Amended Scheduling Order and the Court's Alternative Dispute Resolution Plan Rule 5.4(c)(2).

The ADR deadline remains March 28, 2025.

IT IS SO ORDERED, this 22nd day of February 2025.

s/ Mark S. Norris

MARK S. NORRIS

UNITED STATES DISTRICT JUDGE